

**Government Performance and Results Act of 1993**

**ANNUAL PERFORMANCE PLAN  
FISCAL YEAR 2000**



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**Government Performance and Results Act of 1993**

**NATIONAL LABOR RELATIONS BOARD  
ANNUAL PERFORMANCE PLAN  
2000**

**INTRODUCTION**

The National Labor Relations (NLRB) is an independent agency created by Congress in 1935 to administer and enforce the National Labor Relations Act (NLRA), which is the primary federal statute governing labor relations in the private sector.<sup>1</sup> The Act embodies a bill of rights that establishes freedom of association for the purposes of participating in the practice and procedure of collective bargaining. It defines and protects the rights of employees, unions and employers, and seeks to eliminate certain unfair labor practices on the part of employers and unions so as to promote commerce and strengthen the Nation's economy. Under the Act, the NLRB has two primary functions: (1) to prevent and remedy statutorily defined unfair labor practices by employers and unions; and (2) to conduct secret-ballot elections among employees to determine whether the employees wish to be represented by a union.<sup>2</sup> The mission of the Agency is to carry out these statutory responsibilities as efficiently as possible, in a manner that gives full effect to the rights afforded to employees and employers under the Act.

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<sup>1</sup> Major amendments to the Act were enacted in 1947 (the Taft-Hartley Amendments) and in 1959 (the Landrum-Griffin Amendments).

<sup>2</sup> See Attachment A for a detailed description of the types of cases handled by the Agency.

## **THE STATUTORY STRUCTURE OF THE AGENCY**

The NLRB's authority is divided by law and by delegation between the five-member National Labor Relations Board ("the Board"), whose members are appointed by the President subject to Senate confirmation, and the General Counsel, who is also appointed by the President subject to confirmation by the Senate.<sup>3</sup>

### **Case-Processing**

Under the statutory scheme set out in the Act, the Agency does not initiate cases on its own. All charges and petitions are filed voluntarily by individuals, employers or unions.

The Agency receives approximately 150,000 inquiries from the public per year. Through the Information Officer program, which is explained more fully in this plan under Goal 2, the Agency attempts to screen out matters that are best resolved in other forums or which do not fall within its jurisdiction. About 95% (or 143,000 inquiries) of these public inquiries are screened out in this fashion.

Approximately 25,000 additional cases are filed without Information Officer assistance each year. The total number of cases filed thus approximates 38,000 cases per year, of which approximately 32,000 are unfair labor practices and 6,000 are representation petitions. The merit factor (the percentage of cases in which the General Counsel as independent prosecutor concludes that there is sufficient evidence to warrant issuance of a complaint) for unfair labor practices has consistently been in the mid-30 percentile. Thus, over 65% of the unfair labor practice charges are dismissed after investigation because it is concluded that they are not worthy of prosecution. The dismissal is the final resolution of the case. Only 5 -10% of the meritorious charges are litigated; the vast majority are resolved through the Agency's settlement program.

In the area of representation cases, the Agency has maintained a voluntary election agreement rate of over 80%. In other words, over 80% of the cases proceed to election without a pre-election hearing because the Agency was able to help the parties reach a voluntary agreement for the conduct of the election. In addition, in over 90% of cases the election conclusively resolves the representation question. Objections or challenges to the election are filed by the party which did not prevail in the election in only 7% -10% of the cases and in only 13% of those cases does the Agency find that the allegedly objectionable conduct warrants holding a rerun election.

### **Unfair Labor Practice Proceedings<sup>4</sup>**

Under the National Labor Relations Act, unfair labor practices are remedied through adjudicatory procedures in which the Board and the General Counsel have independent functions. The role of the General Counsel is to investigate unfair labor practice charges filed by individuals and organizations and, if there is reason to believe that a

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<sup>3</sup> Currently, all five of the Board positions and the position of General Counsel are filled. The Chairman and General Counsel are serving pursuant to recess appointments.

<sup>4</sup> Attachment B is a chart on unfair labor practice case processing.

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charge has merit, to issue and prosecute a complaint against the charged party. With some exceptions, a complaint that is not settled or withdrawn is tried before an administrative law judge, who issues a decision which may be appealed to the five-member Board through the filing of exceptions by any party. The Board acts in such matters as a quasi-judicial body, deciding cases on the basis of the formal trial record in accordance with the statute and the body of case law interpreting the statute that has been developed by the Board and the courts.

### **Representation Proceedings<sup>5</sup>**

In contrast to unfair labor practice proceedings, representation proceedings conducted pursuant to the Act are not adversarial proceedings in which the General Counsel appears as a party prosecuting a complaint before the Board. Representation cases are initiated by the filing of a petition -- by an employee, a group of employees, an individual or a labor organization acting on their behalf, or in some cases by an employer -- requesting an election to determine whether a union represents a majority of the employees in an appropriate bargaining unit and therefore should be certified as the employees' bargaining representative. The role of the Agency in such cases is to investigate the petition and, if necessary, to conduct a hearing to determine such questions as whether the employees constitute an appropriate bargaining unit under the Act, and if so, which employees are properly included in the unit and therefore eligible to vote; to conduct the election if an election is determined to be warranted; to hear and decide any post-election objections to the conduct of the election; and, if the election is determined to have been fairly conducted, to certify its results.

### **Administrative Functions**

Section 3(d) of the Act assigns to the General Counsel general supervision over all attorneys employed by the Agency, with the exception of the administrative law judges, who are under the general supervision of the Board, the attorneys who serve as counsel to the Board members, and the Solicitor and members of the Solicitor's staff. The Board has also delegated to the General Counsel general supervision over the administrative functions of the Agency (such as purchasing, personnel, communications, and the leasing of office space) and over the officers and employees in the regional offices.

### **Effect of Division of Authority on the Agency Performance Plan**

Although the General Counsel and the Board share a common goal of ensuring that the Act is fully and fairly enforced on behalf of all those who are afforded rights under the Act, the division of authority mandated by the Act necessarily means that the two branches of the Agency will have separate objectives, and separate strategies for achieving those objectives. The statutory framework described above reflects a policy judgment by Congress that, in the processing of unfair labor practices cases, the goals of the Act could best be achieved by clearly separating the prosecutorial functions of the General Counsel from the adjudicatory functions of the Board, and assuring that each acted independently of the other in carrying out their respective responsibilities. In our view, it would be contrary to our statutory mandate for the Board to participate in

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<sup>5</sup> Attachment C is a chart on representation case processing.

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defining specific goals to be achieved by the General Counsel with respect to the investigation and prosecution of unfair labor practice charges. Similarly, because the General Counsel appears as a party litigant in unfair labor practice cases before the Board, we believe it would be equally inappropriate for the General Counsel to participate in defining or enforcing goals or objectives to be achieved by the Board in carrying out its adjudicatory functions.

### **Output versus outcome measures**

It is difficult for an agency such as ours to measure “outcomes” in the sense intended by the authors of the Government Performance and Results Act. In the representation case area, for instance, the Agency does not control or seek to influence the results of elections, but strives instead to ensure the rights of employees to freely and democratically determine, through a secret ballot election, whether they wish to be represented by a labor organization. If the Agency concludes that all of the necessary requirements for the conduct of an election have been met, it will either direct an election or approve the parties’ agreement to have an election. The performance measures the Agency has established for the conduct of elections are objective and are not dependent on the results of the election. The true outcome of properly-conducted elections is employees, employers and unions voluntarily and freely exercising their statutory rights as set out in the National Labor Relations Act.

The same difficulty is inherent in any attempt to define “outcomes” in the other main area of Agency activity: the prevention of unfair labor practice conduct. The aim of this activity is to prevent industrial strife and unrest that burdens the free flow of commerce. An indicator of success in the achievement of this aim is labor peace. In the absence of a mechanism to accurately gauge “labor peace” or the impact of Agency activities among a range of variables influencing that goal, the Agency has established a number of objective standards to measure its performance in this area. In particular, the timeliness and quality of case processing, from the filing of an unfair labor practice charge to the closing of a case upon compliance with a litigated or agreed-to remedy, are the subjects of performance measures. The settlement rate for unfair labor practice cases found, after a full investigation, to warrant further administrative action another performance measure.

### **Verification and validation of data**

In order to measure our performance in the areas described above, it is essential that we have accurate data and verification methods. The verification procedures currently in place to ensure the validity of the data include reconciliation of data entered into the Case Handling Information Processing System (CHIPS) at the Regional Office level. Further checks and balances in place ensure the accuracy of case data. For example, the Statistical Services section receives copies of Decisions and Directions of Election, which are cross-checked against monthly reports provided by the regions. Other procedures check whether the grounds given by the regions for excusing cases from being charged as overage in both the investigative and compliance states are accurate. Agency management routinely reviews these excuses and, where appropriate, consults with the regions.

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The new Case Activity Tracking System (CATS), which will be deployed in all of the Agency's field offices, will provide improved methods of tracking case data and ensuring the accuracy of that data. First, information input into the CATS system will be input contemporaneously with the processing of the case. Second, controls in docketing will ensure that numbers are assigned to cases chronologically. Third, the system provides a "Missing Actions Report," produced daily, to ensure that the case actions have been entered into the system. Thus, Agency management will be able to conduct regular checks on the status of the data entry. The absence or inconsistency of data will be reflected in reports generated by CATS.

### **GOALS**

In recognition of our obligation to the public as set forth in our mission statement, and with input from our customers and stakeholders, the NLRB has established the following four goals:

1. Resolve questions concerning representation impartially, promptly and conclusively.
2. Investigate, prosecute and remedy unfair labor practices, by either employers or unions or both.
3. Develop a well trained, highly effective, productive, customer-oriented workforce in order to provide high quality service to the public.
4. Fully integrate information resource management into the working environment to increase our ability to provide information to the public and meet Agency core mission functions and goals.

## **OBJECTIVES, STRATEGIES AND PERFORMANCE MEASURES**

**GOAL NO. 1: Resolve questions concerning representation impartially, promptly, and conclusively.**

### **OBJECTIVES**

The Act recognizes and expressly protects the right of employees to freely and democratically determine, through a secret ballot election, whether they want to be represented for purposes of collective bargaining by a labor organization. In enforcing the Act, the Agency does not control the results of that election; rather, it merely seeks to ensure that the process used to resolve such questions allows employees to express their choice in an uncoerced atmosphere. Representation cases will be processed impartially, promptly and conclusively in order to avoid unnecessary disruptions in the workplace and minimize the potential for unlawful or objectionable conduct. Uniform, predictable and consistent procedures and time goals will be established in order to better serve our customers. Training needs and performance will be continuously assessed to ensure high quality service to the public and avoid unnecessary delays.

### **STRATEGIES**

Assign high priority to cases that raise questions concerning representation because of their impact on the public and the achievement of our mission to ensure that they are promptly processed.

Evaluate the quality of our representation casework to provide better and more conclusive service to the public.

Identify training needs and provide necessary training to increase the quality of representation casehandling work.

Increase our efficiency and ability to publicize substantive and procedural guidance to our employees and members of the public through automation, as detailed more fully under Goal 4.

Give sound and well supported guidance to the parties in a specific case and the public at large with respect to all issues, including the unit which will be appropriate to conduct the election and the eligibility of employees to participate in an election, taking into account industry realities and relevant case law.

Continue to evaluate representation procedures and identify, where appropriate, changes in these procedures which can contribute to the prompt, informal and voluntary solution of questions concerning representation and the quality of our service to the public.

Continue to examine factors that contribute to delay in the oldest cases in an effort to



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reduce the time takes to resolve questions concerning representation

Reevaluate, where necessary, performance measures for the processing of representation cases and incorporate any revised goals in our publicized customer standards.

To achieve this goal, the NLRB will budget 144 professional FTE to the regional offices in FY 2000 to handle representation case work. In addition, the five-member Board is projected to allocate 18 FTE to representation cases that require decisions from the Board. The estimated cost of the 162 FTE is \$12,150,000.

### PERFORMANCE MEASURES

<b>Performance Measure</b>	<b>FY 1998 Actual</b>	<b>FY 1999 Estimated</b>	<b>FY 2000 Projected</b>
Hold elections within 42 days of filing of petition	57.7%	50%	60%
Hold elections within 56 days of filing of petition	89.5%	87.5%	90%
Hold no elections more than 85 days after filing, unless circumstances are beyond control of regions	7	0	0
Issue report resolving post election issues, no hearing, in 35 median days	26 median days	26 median days	25 median days
Issue report resolving post election issues, hearing held, in 95 median days	77 median days	77 median days	73 median days

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<b>Performance Measure</b>	<b>FY 1998 Actual</b>	<b>FY 1999 Estimated</b>	<b>FY 2000 Projected</b>
Issue no post-election report more than 120 days after the election except for reasons beyond the control of regions.	O	O	Eliminated in light of performance measures set forth below regarding 100/50 day guidelines in post-election area.
Issue no report more than 50 days from objections or challenges, no hearing held, except for reasons beyond control of regions	Performance Measure not in existence in FY '98 18 reports issued in more than 50 days	Assess baseline data	0
Issue no report more than 100 days from objections or challenges, hearing held, except for reasons beyond control of regions.	Performance measure not in existence in FY'98 24 reports issued in more than 100 days	Assess baseline data	0
Achieve voluntary election agreements at least 80% of the time	86.3%	80%	85%
Issue Ruling on Requests for Review of Regional Directors Decisions within 21 days of receipt of request	18 days median	18 days median	18 days median
Establish/improve performance goals and measures related to Representation proceedings.	N/A	Reassess or establish performance goals for the conduct of an election, the resolution of post election issues and the issuance of a certification in light of baseline data.	Implement performance goals established in FY 99 for the conduct of an election, the resolution of post election issues and the issuance of a certification.

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<b>Performance Measure</b>	<b>FY 1998 Actual</b>	<b>FY 1999 Estimated</b>	<b>FY 2000 Projected</b>
Revise Representation Casehandling Manual and make it accessible to the public.	Representation Casehandling Manual was made accessible to employees and the public on the Agency web site. A compendium of case processing best practices was also completed.	General Counsel will revise the Representation Casehandling Manual and make it accessible to employees and the public through several means, including the Internet.	Completed.
Evaluate quality of Representation case work.	General Counsel reviewed individual cases and appellate court decisions involving challenges to the certification process. A compendium of best practices was prepared.	General Counsel will evaluate the quality of work through various means. For example: the quality review as well as the review of the representation case decisions appealed to the Board and review of Board decisions themselves.	The Board and General Counsel will evaluate the quality of work through various means.
Reduce median age of pending Representation cases by 5%	Due to budgetary constraints, the age of Representation cases pending at the Board was not reduced.	The Board will reduce median age of pending representation cases by 5%. The current median age is 260 days.	The Board will reduce median age of pending representation cases by 5% from FY 99 level.
Issue all Representation cases pending more than 20 months	The number of representation cases pending over 2 years increased from 22 to 32, an increase of 45%.	The Board will issue all representation cases pending at the Board more than two years.	The Board will issue all representation cases pending at the Board more than 20 months.
Revise Hearing Officers' Guide and make it available to the public	N/A	N/A	Revise the Guide.

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<b>Performance Measure</b>	<b>FY 1998 Actual</b>	<b>FY 1999 Estimated</b>	<b>FY 2000 Projected</b>
Operations Management to visit Regional Offices to assess effectiveness of casehandling systems; discuss performance measurement, best practices and implementation of General Counsel policies	N/A	N/A	Visit 40 field offices.
Operations Management to perform on-site quality review of casehandling files in Regional Offices	N/A	N/A	Visit 33 regional offices.

**GOAL NO. 2: Investigate, prosecute and remedy unlawful acts, called unfair labor practices, by either employers or unions or both.**

### OBJECTIVES

Certain conduct by employers and labor organizations has been determined by Congress to burden interstate commerce and has been declared unfair labor practices under Section 8 of the National Labor Relations Act. Goal number two communicates the Agency's resolve to investigate charges of unfair labor practice conduct fairly and expeditiously. Where violations are found, the Agency will provide such remedial relief as would effectuate the policies of the Act, including, but not limited to, ordering reinstatement of employees; making employees whole, with interest; bargaining in good faith; and ordering a respondent to cease and desist from the unlawful conduct. Special priority will be given to resolving disputes with the greatest impact on the public and the core objectives of the National Labor Relations Act.

### STRATEGIES

#### Information Officer Program

The Information Officer Program serves to screen out charges that clearly do not belong in the Board's case handling system before they are filed. Trained professional employees answer inquiries from the public. The Agency provides the inquiring party with facts and information about the Board's jurisdiction and, where appropriate, refers

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the individual to an appropriate agency if there is no Board jurisdiction. This program provides assistance to members of the public, and at the same time increases the Agency's efficiency by allowing it to devote its resources to those cases covered by the National Labor Relations Act is available.

An experiment is being conducted where public inquires are handled by a voice mail system, which provides the caller with relevant information while saving Agency resources. The Division of Operations-Management will assess whether this experiment provides adequate service to the public and increases productivity as part of a continuing evaluation of the efficacy of the program.

The Agency will allocate 55 FTE to this program at an estimated cost of \$4,285,000 in FY 2000.

### **Impact Analysis**

Impact Analysis provides an analytical framework for classifying cases filed in our Regional Offices. This differentiation determines the resources and urgency to be assigned each case. It requires that all cases be assessed in terms of their impact on the public and their significance to the achievement of the Agency's mission. For purposes of this approach, Impact Analysis focuses on the two core purposes of the Act: to resolve questions concerning the representation of employees and to remedy unfair labor practices committed by employers and unions. Cases of the highest priority are placed in Category III, with a time target of seven weeks. Other cases are placed in Category II (time target of 11 weeks) or Category I (time target of 15 weeks), depending on their relative priority.

The Impact Analysis system is also used by the Division of Advice and Office of Appeals in addressing and resolving unfair labor practice issues that are submitted for their consideration. The General Counsel will continue to monitor the appropriate and full implementation of Impact Analysis in our field and headquarters offices and make adjustments in this case management system, where warranted.

### **Best Practices**

Best field practices in the processing of unfair labor practices will continue to be publicized and disseminated in the Agency newsletter, in formal memoranda issued to field managers, in meetings of Agency managers and by Division of Operations-Management staff in their regular communications with regional office management. Additionally, a field labor management committee has been established to survey regions and publicize such practices.

### **Resident Agent**

The Agency has initiated a resident agent program, where an employee is permanently relocated to a remote location distant from the regional office city in order to investigate cases arising there. The presence of an agent close to a concentration of cases ensures that those cases are addressed in a timely manner and saves Agency travel time and transportation expenses.

## **Unfair Labor Practice Casehandling Manual**

The General Counsel's Unfair Labor Practice Casehandling Manual provides procedural and operational guidance to ensure that the policies of the Agency and the General Counsel in that area are consistently followed. The manual will be updated for distribution to Agency employees and members of the public.

The estimated cost of producing the Unfair Labor Practice Casehandling Manual in FY 2000 is \$25,000.

## **Litigation**

The Impact Analysis method of prioritizing cases will continue to be employed once a case has reached the litigation stage. High priority (Category III) cases will be litigated ahead of other cases.

The NLRB estimates that \$80,083,000 will be required to investigate and prosecute charges of unfair labor practices voluntarily brought before the Agency in FY 2000. In addition the NLRB will allocate 1,545 FTE to the investigation and prosecution of unfair labor practice charges.

The five-member Board will allocate approximately 181 FTE, at an estimated cost of \$19,000,000, to adjudicate unfair labor practice charges brought before it in FY 2000.

## **Injunction Litigation**

In Regional Offices, priority in investigation will be given to cases where 10(l) relief may be warranted, prompt merit determinations will be made and court proceedings will be initiated, as appropriate.

In Regional Offices, cases where Section 10(j) relief may be warranted will be promptly identified; issues bearing on the appropriateness of injunctive relief will be investigated along with merits issues; suitability of case for injunction proceedings will be decided and appropriate recommendations will be made.

In the Division of Advice, regional recommendations to seek injunctions under Section 10(j) will be promptly and thoroughly considered by applying relevant legal standards and giving due weight to views of all affected parties.

The General Counsel will allocate 17 FTE to processing 10(j) and 10(l) injunction cases at an estimated cost of \$1,309,000 in FY 2000.

## **Pursuit of Settlements**

It has long been the Agency's belief that all parties are better served if we are able to settle their disputes without the need for time-consuming and costly formal litigation. The Agency will continue to emphasize settlements as a means of promptly resolving disputes and is committed to maintaining its traditionally high settlement rate.

The Agency will allocate approximately 120 FTE to efforts relating to securing voluntary settlement of Unfair Labor Practice Cases at an estimated cost of \$9,240,000 in FY 2000.

### **Prioritization in the Enforcement of Board Orders**

Cases will be prioritized, consistent with the external requirement that review cases be assigned immediately. Special emphasis will be given to cases involving bargaining orders, interim relief or other situations where delay in enforcement will most seriously impair effectuation of the policies of the Act.

### **Compliance**

The General Counsel will provide advice, resources, training materials, and assistance to regional offices in carrying out the compliance program.

The General Counsel will study whether to seek additional remedies in order to provide more meaningful relief to the charging parties and greater peace in the labor markets affecting commerce.

Regional Offices will be encouraged to take appropriate steps to obtain provisional relief when confronted with likely or apparent asset dissipation or other conduct likely to prevent compliance in order to protect the Agency's ability to obtain prompt, certain and efficacious relief.

Regional Offices will be expected to deploy a full range of investigative techniques to determine whether a respondent is likely to avoid, or is avoiding, compliance in order to protect the Agency's ability to obtain prompt, certain and efficacious relief.

Regional Offices will be encouraged to make appropriate use of guarantee and security arrangements, and of formal settlements providing for judicial orders enforceable through contempt in an effort to obtain prompt, certain and efficacious compliance. To that end, the Office of the General Counsel will also be actively studying whether we can improve the efficacy of formal settlements by providing in such settlements for attachment, garnishment, offset, and other available remedies.

In FY 2000 the General Counsel will allocate approximately 95 FTE to secure compliance with Board Orders and related matters at an estimated cost of \$10,000,000.

**PERFORMANCE MEASURES**

<b>Performance Measure</b>	<b>FY 1998 Actual</b>	<b>FY 1999 Estimated</b>	<b>FY 2000 Projected</b>
Evaluate quality of Unfair Labor Practice casehandling	General Counsel reviewed selected cases, litigation and remand rates. Field and Appeals' data reports used in appraisal process.	Continue to evaluate the quality of unfair labor practice casework in accordance with our customer standards.	Continue to evaluate the quality of unfair labor practice casework in accordance with our customer standards.
Evaluate Information Officer Program	Examined year-end statistics as well as impact of the experimental automated voice assistance program implemented in seven field offices.	The General Counsel will extend automated voice assistance program to ten additional field offices.	The General Counsel will extend automated voice assistance program to all remaining field offices.
Impact Analysis: reduce tolerable percentage of unexcused overage cases <sup>6</sup>			
Category III (7 weeks)	14.9% overage	13 % overage	10% overage
Category II (11 weeks)	23.6% overage	20% overage	15% overage
Category I (15 weeks)	24.5% overage	30% overage	20% overage
Maintain high percentage of settlements in field offices prior to formal litigation.	Discounting post-complaint Caterpillar settlements, the rate was 95.3%.	Field offices will settle 90% of the unfair labor practice cases in which further proceedings are deemed warranted.	Field offices will settle 90% of the unfair labor practice cases in which further proceedings are deemed warranted.

<sup>6</sup> Pursuant to Impact Analysis, case processing time goals - from the date a charge is filed through the Regional determination - are set for three categories of cases, based on priority. A case is reported "overage" when it is still pending disposition on the last day of the month in which its time target was exceeded. Further, a case is considered "unexcused overage" when its disposition is within the control of the Region. (Disposition would not be considered within the control of the Region if, for example, a related judicial matter were pending in another forum).



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<b>Performance Measure</b>	<b>FY 1998 Actual</b>	<b>FY 1999 Estimated</b>	<b>FY 2000 Projected</b>
Trial Calendar – reduce number of median days from issuance of complaint to close of hearing	271	200	180
Issue appeal cases sustained from dismissal of charge within time targets	Issued sustained appeal cases within 120 days from receipt of the appeal in 56% of the closed cases.	Will issue sustained appeal cases within 120 days from receipt of the appeal in 60% of the closed cases.	Will issue sustained appeal cases within 60 days from receipt of the appeal in 60% of the closed cases.
Close Advice cases in a median of 25 days of receipt from Regional Offices (in cases not seeking injunctions)	22 days	25 days	25 days
Close Advice cases seeking sec. 10(j) injunctions, within 25 days of receipt from Regional Offices	82%	82%	85%
Provide appropriate memo to the Board, in Advice cases seeking sec. 10(j) injunctions, within 10 days of receipt from Regional Offices	36%	40%	40%
Issue Division of Judges decisions within time targets, regardless of length of transcript	Judges decisions were issued in a median of 56 days from the filing of briefs.	Issue Judges decisions within a median of 90 days of filing of briefs.	Issue Judges decisions within a median of 62 days of filing of briefs.
Reduce the age of Unfair Labor Practice cases pending at the Board	Due to budgetary constraints, the age of pending unfair labor practice cases was not reduced.	The Board will reduce the age of pending cases by 5%, using FY 98 data as a base.	The Board will reduce the age of pending cases by 5% from FY 99 level.

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<b>Performance Measure</b>	<b>FY 1998 Actual</b>	<b>FY 1999 Estimated</b>	<b>FY 2000 Projected</b>
Reduce the number of Unfair Labor Practice cases pending at the Board for the longest time.	Due to budgetary constraints, the number of pending unfair labor practice cases more than 3 years was not reduced.	The Board will issue all unfair labor practice cases pending more than 3 years.	The Board will issue all unfair labor practice cases pending more than 2 years.
File priority Enforcement petitions within 100 days.	86%	83%	90%
File all other Enforcement petitions within 150 days.	76%	76%	80%
Reduce percentage of Compliance cases exceeding target processing time to 10% overage.			
Category III (13 weeks)	10.5%	10 %	5%
Category II (17 weeks)	19%	13%	13%
Category I (21 weeks)	12.6%	15%	15%
Improve quality of Unfair Labor Practice Case processing	Surveyed all field offices to identify best field practices in processing of unfair labor practices. Best Practices Committee began analyzing survey responses.	The General Counsel will review, update and disseminate (including on the Internet) the Unfair Labor Practice Manual. Employees will have access through the Internet as well as desk copies for field staff.	The General Counsel will provide training to a majority of field employees in unfair labor practice procedures (see Goal #3).

<b>Performance Measure</b>	<b>FY 1998 Actual</b>	<b>FY 1999 Estimated</b>	<b>FY 2000 Projected</b>
Revise Compliance Manual	N/A	N/A	Revise the Manual.
Issue and disseminate further "best practices" for Unfair Labor Practice casehandling	N/A	N/A	Issue a "Best Practices" report.

**GOAL NO. 3: Develop and maintain a well trained, highly effective, productive, customer-service oriented workforce.**

### **OBJECTIVES**

A well-trained professional and support staff is essential to the effective and efficient achievement of the Agency's mission. Appropriate training of personnel ensures that our customers will receive the highest level of service, and enhances our ability to achieve the other goals set forth by the Agency. Accordingly, the Agency is committed to providing Agency employees with the work environment, support, training, guidance and resources necessary to carry out the Agency's mission.

### **STRATEGIES**

Make the Agency's customer service standards available to all managers and employees.

Periodically assess the training needs of support staff, professional staff and the managers and supervisors. Invest in staff development by identifying and addressing organizational and individual training needs. Provide training to new supervisors and managers within a reasonable time after their promotions.

Consider recommendations for short range and long range training made by employee committees, in-house labor organizations and Agency employees.

Publicize, through internal memoranda and electronic bulletin boards, substantive information regarding significant legal precedent and case handling policies for the use of Agency employees. Create and maintain central internal bulletin board for notification of external training opportunities, including seminars, conferences, and internal training.

Continue to require in-house training on legal, procedural, administrative and policy issues. Review the Agency's success in providing such training.

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Conduct training conferences for various groups of employees. Obtain feedback on the training provided and consider these evaluations in planning future conferences. The estimated cost of these conferences is \$1,188,000.

Improve documentation and data collection from participants concerning (1) the extent to which training enhances the ability of employees to perform the work of the Agency and (2) the extent to which family-friendly initiatives foster a stable, productive workforce and preserve the Agency's investment in training employees in the performance of their jobs.

Develop and establish computer and automation assistant positions in field and headquarters offices to enhance computer skills and abilities of all staff.

Use Agency in-house experts to provide materials for training to be conducted throughout the Agency.

The Agency will spend approximately \$2,000,000 in FY 2000 for the training of its employees.

### PERFORMANCE MEASURES

<b>Performance Measure</b>	<b>FY 1998 Actual</b>	<b>FY 1999 Estimated</b>	<b>FY 2000 Projected</b>
Provide General Counsel staff training on specific Agency initiatives, such as Representation case processing.	Held limited training on protective orders and discovery in 10(j) proceedings. Videotape on Rules of Evidence in representation cases was distributed. One training conference was held for field supervisors. IT training was provided in a selected number of offices.	There is no specific commitment due to Agency priorities. The General Counsel will maximize use of in-house training that requires no travel and no outside experts and will explore the availability of all no-cost training.	The General Counsel will provide training for supervisors in the Divisions of Advice, Enforcement Litigation, and Administration. Estimated cost: \$103,000

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<b>Performance Measure</b>	<b>FY 1998 Actual</b>	<b>FY 1999 Estimated</b>	<b>FY 2000 Projected</b>
Provide General Counsel staff training on career development and continuing legal education (training is contractual with employee organization).	Due to budgetary constraints, this training did not take place in FY 1998.	The General Counsel will set aside funds to provide training to all employees by outside vendors on subjects related to the performance of Agency employee responsibilities and career development. [Agency Tuition Reimbursement Program] Estimated cost: \$197,000	The General Counsel will set aside funds to provide training to all employees by outside vendors on subjects related to the performance of Agency employee responsibilities and career development. [Agency Tuition Reimbursement Program] Estimated cost: \$197,000
Provide field employees with details to headquarters offices (Exchange Detail Program).	Due to budgetary constraints, this training did not take place in FY 1998.	The General Counsel will provide up to 24-field professional and 13 field support employees with voluntary details to headquarters. Estimated cost: \$115,000	The General Counsel will provide up to 24-field professional and 13 field support employees with voluntary details to headquarters. Estimated cost: \$115,000
Provide headquarters employees with details to field offices (Exchange Detail Program).	Due to budgetary constraints, this training was not done in FY 1998.	The Agency will provide up to 17 headquarters professional employees with details to field offices. Estimated cost: \$125,000	The Agency will provide up to 17 headquarters professional employees with details to field offices. Estimated cost: \$125,000
Provide details for employees within headquarters offices (Exchange Detail Program).	Due to budgetary constraints resulting in the suspension of all contractual benefits no details were provided in FY 1998.	The Agency will provide up to 11 headquarters professional employees with details to other headquarters offices. Estimated cost: 0	The Agency will provide up to 11 headquarters professional employees with details to other headquarters offices. Estimated cost: 0

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<b>Performance Measure</b>	<b>FY 1998 Actual</b>	<b>FY 1999 Estimated</b>	<b>FY 2000 Projected</b>
Hold Training Seminars (Strategic Plan)	Due to budgetary constraints, this training was limited to a single training conference for field supervisors on effective and efficient casehandling, personnel issues, and leadership.	Because of Agency priorities, no specific commitment is made for FY 1999.	The General Counsel will train its field and headquarters supervisors on subjects including effective and efficient casehandling, personnel issues, leadership and responsibilities under GPRA. Estimated cost: \$169,000
Hold training seminars for trial attorneys, field examiners and regional management	Due to budgetary constraints, this training was not done in FY 1998.	Because of Agency priorities, no specific commitment is made for FY 1999.	The General Counsel will provide litigation training to field attorneys, representation case training to field examiners, and managerial training. Estimated cost: \$450,000
Hold training seminars for new employees, and on compliance and Freedom of Information Act.	Due to budgetary constraints, this training was not done in FY 1998.	Because of Agency priorities, no specific commitment is made for FY 1999.	The General Counsel will provide new employee training to field and headquarters employees, compliance training to compliance experts in the field, 10(j) injunctions and Freedom of Information Act training to field and headquarters employees. Estimated cost: \$153,000

<b>Performance Measure</b>	<b>FY 1998 Actual</b>	<b>FY 1999 Estimated</b>	<b>FY 2000 Projected</b>
Provide training for Judges	Due to budgetary constraints, this training was not done in FY 1998.	Because of Agency priorities, no specific commitment is made for FY 1999.	The Board will provide training to 65 administrative law judges. Estimated cost: \$50,000
Provide Board staff training for supervisors	Due to budgetary constraints, this training was not done in FY 1998.	Because of Agency priorities, no specific commitment is made for FY 1999.	The Board will provide training to its managers and supervisors on such issues as effective leadership, team management, efficiency and timeliness in case processing. Estimated cost: \$40,000
Provide training to agency executives			The Agency will sponsor Federal Executive Institute training for 13 employees and OPM 2-week Executive Training Seminars for 36 employees. Estimated cost: \$250,000

**GOAL NO. 4: Fully integrate information resource management into the working environment to increase the Agency's ability to provide information to the public and to meet Agency core mission functions and goals.**

### **OBJECTIVES**

To support the Agency's core mission functions and goals, the Agency will provide automated case management data research tools and other technological aids to enhance our employees' ability to work more efficiently, assess and manage our workload and increase our responsiveness to the public.

## **STRATEGIES**

Create mainstream information architecture and infrastructure that will support the planned and anticipated use of information technology in the future.

Furnish to all employees the informational tools and resources that enhance their productivity, provide increased responsiveness to the public, and facilitate good decisions and appropriate action by the Agency. Many Commercial-off-the Shelf (COTS) software packages and custom developed software will assist the Agency and the public. The number, capability, and complexity of these information technology tools and applications are increasing rapidly. The Agency will create and maintain an infrastructure of mainstream servers, PC's, networks, operating systems, databases, telecommunications, and other technology to support these tools and applications. In addition to technology developed specifically for Agency functions, a standard suite of office automation software will be furnished to employees.

The Agency plans to spend \$1,550,000 for Headquarters LAN servers, NT database servers, PC's, and peripherals.

Establish corporate data sharing capabilities to allow the activities and results of regional actions to be shared among all locations nationally. This will help ensure consistent legal processes and equitable administration of labor law throughout the United States.

Achieve the capability to retrieve and search documents that provide relevant research on related cases and legal decisions, in order to ensure the appropriate and complete investigation and analysis for the Agency's cases. This database of legal material and Board decisions will be current and easily accessed by full text search techniques.

The Agency proposes \$587,000 for updating the technology and legal research databases and access to them.

Continue implementation of a telecommunications network that supports data transfer and communications among 54 geographic locations. A national communications architecture is needed that will provide communication among Agency attorneys, investigators, and support staff and will also promptly, accurately, and securely transfer documents and data. This communications architecture must also support information search and retrieval of central repositories for legal and historical references.

A wide area network (in conjunction with GSA) and Internet and web accesses and services are budgeted at \$2,080,000. This includes the leased lines and GSA management to continue the WAN that is to be completed in FY 1999 and the creation of the NLRB Intranet and web-based accesses. Also remote access for Judges and resident agents.

Develop information systems that improve case tracking and processing, and facilitate aggregate reporting and analyses.



Improve Agency-wide access to current case information. The Agency maintains case activity and status information on approximately 40,000 cases, open at any given time, as well as the case history of closed cases. Since both research and case activity information could involve national organizations and unions, this information should be compiled nationally and accessible to Agency offices throughout the country.

The Case Activity Tracking Systems (CATS) will be deployed in the remaining locations, and Headquarters systems developed for \$2,900,000.

Support consistency, compatibility, and responsiveness of NLRB decisions, actions, and information through the use of common automated processes and tools available at all Agency national sites.

Identify and implement a set of information standards, configurations, and guidelines that best serve the needs of the Agency's technology users while providing a consistently high level of support for that technology in all regional offices. The use of information technology and techniques that are in the mainstream of the general business community will best serve the Agency. It is important that all regional components have a common hardware and software configuration so that the Agency's work, analysis, formats and legal processes are consistent across all regions. Standardization of information technology nationwide is also important for maintaining an acceptable level of information technology performance at all locations. The small staff size of most regional sites cannot justify significant full-time technology support. Support can best be furnished by a combination of regional expertise, central office support, and mainstream equipment and skills that are commonly available from industry sources located near the regional sites.

Common processes, service, and tools will be provided to all geographic locations through a customer support program that includes the help desk, resource center, configuration management and other support provided at a cost of \$2,600,000.

Use modern automated technology and techniques, both inside and outside NLRB, to provide faster and better public access to labor information.

The transition from the current Case Handling and Information Processing System (CHIPS) to the new Case Activity Tracking System (CATS) will take about two years. Regional data will be collected from either the CHIPS or CATS format until CATS is totally deployed. The data will be merged nationally to ensure continuity of data accessibility for case processing and performance measuring.

Other IT support will be provided for training on new technology and techniques, enhancements to administrative systems and implementation of a modern email system consistent with the new architectural environment at a cost of \$2,033,000.

**PERFORMANCE MEASURES**

<b>Performance Measure</b>	<b>FY 1998 Actual</b>	<b>FY 1999 Estimated</b>	<b>FY 2000 Projected</b>
Establish information infrastructure	Infrastructure was established in 10 additional locations (established in 8 locations in FY 97).	Infrastructure will be established in another 18 locations. (Total 36)	Infrastructure will be established in the remaining 18 locations. (Total 54)
Improve electronic access to legal research materials	The ability to access both NLRB and external legal research material electronically was made available to all NLRB locations.	Every NLRB office will have access to the Internet.	The ability to access both NLRB and external legal research material electronically will be expanded and improved.
Design and deploy telecommunications architecture (WAN)	Entered into an Interagency Agreement to share a national wide area network (WAN) with GSA. Design completed and deployed in 10 locations.	Design will be deployed in another 44 locations. (Total 54)	Completed in FY 1999.
Develop and deploy Case Activity Tracking System (CATS)	This system became operational in 2 locations.	This system will be operational in another 26 locations. (Total 28)	This system will be deployed in the remaining 26 locations. (Total 54)
Maintain shorter preparation time for Agency's Annual Report	The Annual Report preparation time was reduced to six months (FY 1997 Report).	The Annual Report preparation time will be six months (FY 1998 Report).	The Annual Report preparation time will be six months (FY 1999 Report).
Improve agency and public access to NLRB activities, decisions and documents through an Internet web site.	A public web site was created that provides public access to frequently requested materials without a FOIA request or significant search time.	Legal Research and numerous other applications will be accessible via the Internet.	Legal Research and numerous other additional applications will be accessible via the Internet.

## NLRB FY 2000 Performance Plan

<b>Performance Measure</b>	<b>FY 1998 Actual</b>	<b>FY 1999 Estimated</b>	<b>FY 2000 Projected</b>
Achieve Year 2000 Compliance		NLRB application systems will be Year 2000 compliant, based on the Agency's contingency plans.	NLRB hardware and commercial software will be Year 2000 compliant.

### OUTCOMES

The strategies developed by the Agency in the area of information technology will result in positive internal and external outcomes. Internally, the strategies will ensure accurate, comprehensive and timely legal research through on-line access to historical information that can be easily searched. The ready accessibility of such research will improve the quality of research and expedite casehandling. The accessibility of information on a nationwide basis will improve the Agency's ability to achieve compliance with Board decisions. With a consistently updated and maintained national database, the Agency will be able to provide reliable and responsive information in a timely manner to the Agency's various stakeholders, many of whom need this information in order to study broader issues.

Telecommunications initiatives through the Internet and a Wide Area Network have the advantage of making information available not only to Agency employees and managers but also to the public on an ongoing basis. Public access to this information will increase awareness and understanding of the Agency's mission. It will also make readily accessible specific procedures to follow in order to bring relevant labor related matters to the attention of the Agency. Another benefit of public access is reducing the response time for information requests made pursuant to FOIA or, in many cases, eliminating the need for such requests.